

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JUNE 22, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-FOURTH CALENDAR DAY
EIGHTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, June 22, 2011

The Senate met in regular session at 9:20 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ochevedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Tuesday, June 21, 2011, was approved.

The Senate stood at ease at 9:25 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:20 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hamerlinck, until he returns, on request of Senator Bartz.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 542, 540, and 539.

Senate File 542

On motion of Senator Hatch, [Senate File 542](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions, was taken up for consideration.

Senator Hatch offered amendment [S-3361](#), filed by him from the floor to pages 9, 12, 18, 19, 27, 33, 65, 69, 75, 98, 137, 138, 141, 143, 151, 152, 159, 164, 169, 175, 183, 195, 196, and 201 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3361](#) be adopted?” ([S.F. 542](#)), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hamerlinck

Amendment [S-3361](#) was adopted.

Senator Quirnbach offered amendment [S-3360](#), filed by him on June 21, 2011, to page 78 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3360](#) be adopted?” ([S.F. 542](#)), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hamerlinck

Amendment [S-3360](#) was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 542](#)), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward

Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[Senate File 540](#)

On motion of Senator Jochum, [Senate File 540](#), a bill for an act relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 540](#)), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bacon, until he returns, on request of Senator Behn.

[Senate File 539](#)

On motion of Senator Schoenjahn, [Senate File 539](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions, was taken up for consideration.

Senator Schoenjahn offered amendment [S-3359](#), filed by him on June 21, 2011, to pages 8 and 11–17 of the bill, and moved its adoption.

Amendment [S-3359](#) was adopted by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 539](#)), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver

Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	

Absent, 2:

Bacon	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 539, 540, and 542** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 148](#).

[House File 148](#)

On motion of Senator Dix, [House File 148](#), a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson asked and received unanimous consent to withdraw amendment [S-3211](#), filed by the committee on State Government on April 4, 2011, to pages 1 and 2 of the bill.

With the withdrawal of amendment [S-3211](#), the Chair ruled amendment [S-3221](#), filed by Senators Danielson and Dix on April 7, 2011, to page 1 of the bill; and amendment [S-3362](#), filed by Senator Quirnbach from the floor, to page 1 of the bill, out of order.

Senator Danielson offered amendment [S-3364](#), filed by Senators Danielson and Dix from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-3364](#) was adopted by a voice vote.

Senator Dix moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 148](#)), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bartz	Dearden	Hogg	Rielly
Beall	Dix	Horn	Schoenjahn
Behn	Dotzler	Houser	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bacon	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 22, 2011, **refused to concur** in the Senate amendment to the House amendment to the following bills in which the concurrence of the Senate is asked:

[Senate File 509](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

[Senate File 510](#), a bill for an act relating to and making appropriations to the justice system.

[Senate File 517](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

[Senate File 525](#), a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 148](#) be **immediately messaged** to the House.

The Senate stood at ease at 1:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:44 p.m., President Kibbie presiding.

SENATE INSISTS

[Senate File 509](#)

Senator Black called up for consideration [Senate File 509](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 509](#) on the part of the Senate: Senators Black, Chair; Dearden, Hahn, Houser, and Wilhelm.

SENATE INSISTS

[Senate File 510](#)

Senator Hancock called up for consideration [Senate File 510](#), a bill for an act relating to and making appropriations to the justice system, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 510](#) on the part of the Senate: Senators Hancock, Chair; Bartz, Fraise, Hogg, and Smith.

SENATE INSISTS

[Senate File 517](#)

Senator Dotzler called up for consideration [Senate File 517](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 517](#) on the part of the Senate: Senators Dotzler, Chair; Boettger, Dandekar, Dvorsky, and Whitver.

SENATE INSISTS

[Senate File 525](#)

Senator Hatch called up for consideration [Senate File 525](#), a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 525](#) on the part of the Senate: Senators Hatch, Chair; Bolkom, Johnson, Ragan, and Ward.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 509, 510, 517, and 525** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bertrand, until he returns, on request of Senator McKinley.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 538](#).

[Senate File 538](#)

On motion of Senator Dvorsky, [Senate File 538](#), a bill for an act relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment [S-3366](#), filed by him from the floor to pages 6–16, 18–20, 23, 44, 46, 60, and 82 of the bill.

Senator Kettering called for the following division of amendment [S-3366](#):

Division [S-3366A](#): Page 3, lines 26–43;

Division [S-3366B](#): Page 1, line 2–Page 3, line 25; and
Page 3, line 44–Page 6, line 2.

Senator Dvorsky moved the adoption of division [S-3366A](#).

A record roll call was requested.

On the question “Shall division [S-3366A](#) be adopted?” ([S.F. 538](#)) the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders

Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Division [S-3366A](#) was adopted.

Senator Dvorsky moved the adoption of division [S-3366B](#).

Division [S-3366B](#) was adopted by a voice vote.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 538](#)), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	
Dix	Johnson	Sorenson	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 538](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 541](#).

[Senate File 541](#)

On motion of Senator McCoy, [Senate File 541](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Bartz offered amendment [S-3369](#), filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3369](#) be adopted?" ([S.F. 541](#)), the vote was:

Yeas, 23:

Anderson	Ernst	Kapucian	Sorenson
Bartz	Feenstra	Kettering	Ward
Behn	Greiner	McKinley	Whitver
Boettger	Hahn	Ragan	Wilhelm
Chelgren	Houser	Seymour	Zaun
Dix	Johnson	Smith	

Nays, 24:

Beall	Danielson	Hancock	McCoy
Black	Dearden	Hatch	Quirnbach
Bolkcom	Dotzler	Hogg	Rielly

Bowman	Dvorsky	Horn	Schoenjahn
Courtney	Fraise	Jochum	Seng
Dandekar	Gronstal	Kibbie	Sodders

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Amendment [S-3369](#) lost.

Senator Kapucian offered amendment [S-3365](#), filed by Senator Kapucian, et al., from the floor to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3365](#) be adopted?" ([S.F. 541](#)), the vote was:

Yeas, 21:

Anderson	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	
Dix	Johnson	Sorenson	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Amendment [S-3365](#) lost.

Senator Johnson asked and received unanimous consent to withdraw amendment [S-3368](#), filed by Senators Johnson and Bartz from the floor to page 23 of the bill.

Senator McCoy offered amendment [S-3367](#), filed by him from the floor to page 23 of the bill, and moved its adoption.

Amendment [S-3367](#) was adopted by a voice vote.

Senator Johnson offered amendment [S-3370](#), filed by Senators Johnson and Bartz from the floor to page 23 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3370](#) be adopted?" ([S.F. 541](#)), the vote was:

Yeas, 15:

Anderson	Feenstra	Johnson	Seymour
Bartz	Greiner	Kapucian	Whitver
Boettger	Hahn	Kettering	Wilhelm
Ernst	Houser	McKinley	

Nays, 32:

Beall	Danielson	Hatch	Rielly
Behn	Dearden	Hogg	Schoenjahn
Black	Dix	Horn	Seng
Bolkcom	Dotzler	Jochum	Smith
Bowman	Dvorsky	Kibbie	Sodders
Chelgren	Fraise	McCoy	Sorenson
Courtney	Gronstal	Quirnbach	Ward
Dandekar	Hancock	Ragan	Zaun

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Amendment [S-3370](#) lost.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 541](#)), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng

Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	
Dix	Johnson	Sorenson	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 541](#) be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Patricia Lipski as a member of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on May 23, 2011, found on page 1142 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders

Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Nancy Couser as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on May 2, 2011, found on page 1084 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Sandra Blodgett as a member of the Commission on Judicial Qualifications, placed on the Individual Confirmation Calendar on May 16, 2011, found on page 1139 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Jill Ellsworth as a member of the Board of Massage Therapy, placed on the Individual Confirmation Calendar on May 19, 2011, found on page 1141 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng

Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 22, 2011, appointed the conference committee to [Senate File 509](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, and the conference committee members on the part of the House are: the representative from Cass, Representative Drake, Chair; the representative from Sioux, Representative Alons; the representative from Woodbury, Representative Hall; the representative from Linn, Representative Tyler Olson; the representative from Scott, Representative Paustian.

ALSO: That the House has on June 22, 2011, appointed the conference committee to [Senate File 510](#), a bill for an act relating to and making appropriations to the justice system, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Warren, Representative Garrett; the representative from Tama, Representative Horbach; the representative from Linn, Representative Todd Taylor; the representative from Linn, Representative Tyler Olson.

ALSO: That the House has on June 22, 2011, appointed the conference committee to [Senate File 517](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, and the conference committee members on the part of the House are: the representative from Crawford, Representative Schultz, Chair; the representative from Johnson, Representative Jacoby; the representative from Muscatine, Representative Lofgren; the representative from Clayton, Representative Thomas; the representative from Plymouth, Representative Soderberg.

ALSO: That the House has on June 22, 2011, appointed the conference committee to [Senate File 525](#), a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, and the conference committee members on the part of the House are: the representative from Hancock, Representative Upmeyer, Chair; the representative from Clarke, Representative Fry; the representative from Story, Representative Heddens; the representative from Linn, Representative Schulte; the representative from Marshall, Representative Mark Smith.

Senator Gronstal moved that the Senate adjourn until 9:00 a.m., Friday, June 24, 2011.

A record roll call was requested.

On the question "Shall the motion for the Senate to adjourn be adopted?" the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 1:

Kibbie

Nays, 46:

Anderson	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Black	Ernst	Johnson	Sodders
Boettger	Feenstra	Kapucian	Sorenson
Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	McCoy	Whitver
Chelgren	Gronstal	McKinley	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The motion to adjourn failed.

The Senate stood at ease at 5:37 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:31 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Black, Bolkcom, Bowman, Courtney, Dearden, Dvorsky, Fraise, Hatch, Horn, Jochum, Quirnbach, Schoenjahn, Seng, Soddors, and Wilhelm, until they return, on request of Senator Gronstal.

The voting system also indicated that Senator Hahn had been excused.

Senator Gronstal moved that the Senate adjourn until 9:00 a.m., Friday, June 24, 2011.

Senator Smith requested a quorum call.

The Chair ruled the request not well-taken and out of order. The Chair ruled the motion to adjourn took precedence and would be voted on before any other motions or requests would be recognized.

A record roll call was requested on the motion to adjourn.

On the question "Shall the motion for the Senate to adjourn be adopted?" the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 11:

Beall	Dotzler	Hogg	Ragan
Dandekar	Gronstal	Kibbie	Rielly
Danielson	Hancock	McCoy	

Nays, 4:

Boettger	McKinley	Smith	Sorenson
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Absent, 35:

Anderson	Courtney	Hamerlinck	Schoenjahn
Bacon	Dearden	Hatch	Seng
Bartz	Dix	Horn	Seymour
Behn	Dvorsky	Houser	Soddors
Bertrand	Ernst	Jochum	Ward
Black	Feenstra	Johnson	Whitver

Bolkcom	Fraise	Kapucian	Wilhelm
Bowman	Greiner	Kettering	Zaun
Chelgren	Hahn	Quirnbach	

The motion to adjourn prevailed.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:40 p.m. until 9:00 a.m., Friday, June 24, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

WWII Veteran Floyd Gager, Cresco—For celebrating his 100th birthday. Senator Wilhelm (6/22/11).

Chief Rick Kremer, Cascade—For his many years of dedicated service to Iowa's emergency services. Senator Hancock (6/22/11).

Merlin Manatt, Brooklyn—For being inducted into the Transportation Heroes Center. Senator Rielly (6/22/11).

Al and Mary Shipman, Mason City—For celebrating their 70th wedding anniversary. Senator Ragan (6/22/11).

INTRODUCTION OF RESOLUTION

[Senate Resolution 14](#), by Sodders, Dandekar, Beall, Wilhelm, Bowman, Jochum, Dvorsky, Dearden, Black, Horn, Fraise, Hatch, Courtney, Ragan, Bolkcom, McCoy, Quirnbach, Dotzler, Schoenjahn, Hogg, Gronstal, and Danielson, a resolution recognizing the work of the Rebuild Iowa Office during and after the disastrous tornadoes, storms, and floods which occurred in 2008.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for protest were received in the office of the Secretary of the Senate for entry hereon:

We are submitting our official protest vote with regards to the Senate Motion to Adjourn made on the evening of June 22, 2011, which we believe was injurious to the public and a violation of their right to fair and equal representation.

Rule 1, Rules of the Senate, states any Senator may insist a quorum be present in order to conduct business. A quorum shall consist of a constitutional majority, or twenty-six Senators. This concept is a fundamental precept to our representative democracy and is intended to thwart a small, organized group of members acting with dictatorial purposes from usurping the constitutional protections afforded to the citizens of Iowa.

On June 22, 2011, at approximately 8:31 p.m., the Senate was convened, President Kibbie assumed the chair, and Majority Leader Gronstal assumed leadership of the floor. When the Senate was gavelled-in, a quorum call was requested by members of the Republican Caucus. The calls for a quorum went unheeded in violation of Rule 1. The Majority Leader proceeded to adjourn the Senate with only fifteen members present.

We list the following reasons in support of our protest:

1. Common courtesy of the Senate and Senate Rule 1 allow any Senator to insist upon a quorum. Numerous Senators requested a quorum call.
2. Common courtesy in the Senate suggests a chronological order to motions, and clearly the call for a quorum preceded the Majority Leader's Motion to Adjourn.
3. Common courtesy in the Senate allows leadership in all parties to excuse members who for personal, professional, or emergency reasons cannot be present for a vote. The Majority Leader did not allow an opportunity for members of the Republican Caucus to be excused.
4. Common courtesy and Senate Rules require the President of the Senate to immediately recognize any Point of Order raised. A Point of Order was raised and ignored.
5. Common courtesy in the Senate allows for the voting machine to be left open so that Senators who may be conducting legislative business outside the chamber to be allowed to vote. This long-standing courtesy was not observed.

SENATOR STEVE KETTERING

AMENDMENTS FILED

<u>S-3361</u>	<u>S.F. 542</u>	Jack Hatch
<u>S-3362</u>	<u>H.F. 148</u>	Herman C. Quirnbach
<u>S-3363</u>	<u>H.F. 590</u>	Robert M. Hogg Matt McCoy
<u>S-3364</u>	<u>H.F. 148</u>	Jeff Danielson Bill Dix
<u>S-3365</u>	<u>S.F. 541</u>	Tim L. Kapucian David Johnson Sandra Greiner Nancy J. Boettger Brad Zaun Bill Anderson Joni Ernst James F. Hahn James A. Seymour Steve Kettering Paul McKinley Randy Feenstra
<u>S-3366</u>	<u>S.F. 538</u>	Robert E. Dvorsky
<u>S-3367</u>	<u>S.F. 541</u>	Matt McCoy
<u>S-3368</u>	<u>S.F. 541</u>	David Johnson Merlin Bartz
<u>S-3369</u>	<u>S.F. 541</u>	Merlin Bartz
<u>S-3370</u>	<u>S.F. 541</u>	David Johnson Merlin Bartz